

(SRI J. MOHAMED IMAM.)

all such cases, copies of the notifications are despatched to the members. As soon as Government passes the notification, a copy of the notification must at once be sent to all the members of this House. Otherwise, they will not be aware of such notifications.

Mr. SPEAKER.—I will just ascertain and let you know. Copies of the notifications must have been distributed.

Sri J. MOHAMED IMAM.—Now copies may be distributed to the members so that we may be able to express our views. I think that the notifications should be issued after consulting the views of the members, which has not been done.

Sri H. K. VEERANNA GOWDH (Maddur).—Sir, I thank the Chair for safeguarding the interests of this House, in bringing to the notice of the House the irregularity committed by the Government. I hope, Sir, as you also hoped that they will not commit such a mistake next time.

Sri A. BHEEMAPPA NAIK (Molakalmuru).—Sir, I also wish to bring to the notice of this House another irregularity committed by the Government. They first published in the Gazette that the District Boards will be abolished.....

Mr. SPEAKER.—That is not before us now and I cannot allow any other matter to be discussed.

INTRODUCTION OF BILLS.

Sri Kadidal MANJAPPA (Minister for Revenue and Public Works).—Sir, I beg to introduce:

The Mysore Irrigation (Amendment) Bill, 1954, and

The Mysore (Religious and Charitable) Inams Abolition Bill, 1954, which have been published in the *Mysore Gazette*.

1-30 P.M.

THE MYSORE HOUSE RENT AND ACCOMMODATION CONTROL (AMENDMENT) BILL, 1953.

Motion to consider

* **Sri A. G. RAMACHANDRA RAO** (Minister for Law and Education).—Sir, I beg to move:

“That the Mysore House Rent and Accommodation Control (Amendment) Bill, 1953, as reported by the Select Committee be taken into consideration by the House.”

Sir, as could be seen, it is a unanimous report of the Select Committee. Full advantage has been taken of the discussion in this House. It has been comprehensively discussed and the report is a unanimous report. In particular the definition of ‘member of the family’ was discussed at great length and it is now included that the undivided brother’s widow who has not remarried, should be considered as the member of the family and should get all the benefits that the other male members get under the Bill.

The other amendment that attracted the attention of the members was that certain disability was imposed on persons who were evicted from a house for default in payment of rent. Now, after payment of the balance for which he might have been defaulter, he will not be liable to that disability and he will be treated as a man of honour and will be entitled for the allotment of a house.

The third amendment which attracted the attention was that where the landlord was in possession of a house as an administrator, etc., the occupation shall mean occupation of the beneficiary.

Lastly, one other item which goes to the benefit of the tenant is, the maximum time allowed. According to the existing law, one month’s time has been allowed. That has been extended to three months. Thus, it could be seen that the Bill has been reviewed in the interest of the landlord and in the interest of the tenant and in

the interest of securing proper house to proper people. I commend the Report of the Select Committee for the acceptance of this House.

Mr. SPEAKER.—Motion moved :

“That the Mysore House Rent and Accommodation Control (Amendment) Bill, 1953, as reported by the Select Committee, be taken into consideration.”

Sri P. R. RAMAIYA (Basavangudi).—I would like to know if the amended Bill provides for repair of house in case the owner does not repair it when notice is given to him. What would be the position? Would the tenant be able to or permitted to have the repairs of the house done by himself and then deduct the cost from the rent or is there any obligation under this Bill to see that the house is got repaired by the owner when the tenant informs that the house needs urgent repairs?

Sri A. G. RAMACHANDRA RAO.—The sole object of the Bill is to get houses to tenants. Regarding the general relationship between the tenant and the landlord, we have not entered into that. The general law that prevails guides all such cases.

Sri P. R. RAMAIYA.—General law does not enable the person who lives in a house to have the repairs done and then recover the amount from the house owner. I wish to bring to the notice of the Minister that in Bombay recently they have amended the Act to facilitate the person who lives in the house to get the house repaired and realise the cost from the owner. I would like the Hon'ble Minister to get the law and examine it and incorporate it in this Bill.

(Sri A. G. RAMACHANDRA RAO rose.)

Mr. SPEAKER.—You can reply to all the points raised at the end.

Sri A. G. RAMACHANDRA RAO.—That is all right, Sir.

***Sri M. PALANIYAPPAN (Ulsoor).**—Sir, in the Mysore House Rent and Accommodation Control (Amendment) Bill, I would like to bring to the notice of Government that priority is given for allotting houses to persons employed

in the Government service or educational institutions. As soon as such a person gets a house, he takes possession of it and then applies for fair rent. This case goes on in the court for several months. If he is not satisfied by the rent fixed by the Rent Controller, he goes to the District Court and the High Court to get redress which means some more months. In the meanwhile, if the Government servant gets a transfer, the owner of the house has to go to the civil court and has to wait for one or two years to recover the rent from that person. I would like to suggest to Government that such a provision is made to see that the owners' interest is safeguarded when he is prepared to give his house in priority to the Government servant. I would further suggest that the Head of the Department where the Government official works, should be intimated that the house is allotted to the Government servant and that the Head of the Department should pay the rent regularly deducting the same from the salary of the official.

Further, in the Act, it is said that the owner has no discretion at all in the allotment of the house to another person. The question of allotting the house other than to a Government servant, should be left to the owners. These matters should find a place in the amendment, Sir.

Sri V. M. MASCARENHAS (St. John's Hill).—Sir, I wish this is improved a little more. It is merely said, 'member of the family'. Considering that in the Hindu Society, relationship could be traced even to the third and fourth degrees, what exactly 'member of the family' means should be specified. If the Act could be made a little more clear, I shall be glad, Sir.

Mr. SPEAKER.—Any other speaker? Has Sri Rama Rao nothing to say?

Sri A. G. RAMACHANDRA RAO.—All points raised by him were considered.

Sri M. V. RAMA RAO (Tumkur).—Sir, I thought that information was being furnished in reply to the points raised.

Sri A. G. RAMACHANDRA RAO.—Points on what, Sri Rama Rao?

Sri M. V. RAMA RAO.—Several points were raised by Hon'ble Members seeking information from the Government. So, I was waiting to listen to whatever information might be provided by way of answer before the debate. If no information is being given, we can proceed with the Bill as it is.

Sri A. G. RAMACHANDRA RAO.—I was asked to reply at the end, after hearing all the points.

Sri M. PALANIYAPPAN. Sir, I would further suggest that this Bill may be taken up after three days so that we may send up some more amendments.

Mr. SPEAKER.—Last time itself it ought to have been over. Why have you not cared to send amendments so far?

Sri M. PALANIYAPPAN.—I received the programme very late. (Laughter)

Sri A. BHEEMAPPA NAIK (Molakalmuru).—It was introduced last time.

Mr. SPEAKER.—That request has come too late.

* **Sri M. V. RAMA RAO.**—I have a few things to say on the Bill as reported by the Select Committee. The first matter in respect of which I should like to say something is this. The definition of 'member of family' has been newly introduced into the Bill by the Select Committee and while I have no hesitation in complimenting the Hon'ble Members who served on the Select Committee in devising a very elegant phrase, I must say that they have been somewhat unkind and harsh upon certain categories of relations who, according to the customs of this country, generally happen to be members of a family. When the motion for referring this Bill to a Select Committee was made in this House, I remember I spoke on clause 4 of the original Bill and raised the point that while the Bill includes relations enumerated in the clause by name and designation like son or daughter or father or mother or in the case of a joint Hindu family, the undivided brother, I pointed out with reference to these relations that the clause omits the wife, the sister or other such

dependants. Now we find the new device that has been introduced into the Bill:

3 (d) After clause (6), the following clause shall be inserted, namely:—

“(6a) ‘member of his family’ when used with reference to a landlord means his son or daughter or father or mother and where the landlord is a member of a joint Hindu family, also his undivided brother or such brother's widow who has not remarried.”

In fact, the only extra category of relation that is introduced in the definition is the un-remarried widow of an undivided brother. The undivided brother would have been dead and his widow who is not remarried would get a right to continue as a tenant of a particular house. I was just wondering why the Government or the Select Committee were so very unkind towards the wife or the sister of the tenant who might happen to be present, who might be in charge of the family when the tenant himself dies. As a matter of fact, I could not think that it is very uncommon that when a tenant dies his wife or, if he is not a married person, an elder sister or a widowed sister who might be staying with him might be the only adult member of the household and if that person is not entitled or is not enabled to continue as a tenant of the house after the demise of the tenant, the benefits of the amendments that we have been introducing into this House Rent and Accommodation Control Act would not be available to those cases and it is not possible to devise any particular principle upon which the wife or sister would not be excluded from these advantages.

The difficulty with regard to this Bill is the shortness of the Report of the Select Committee, a thing which, in fact, should not trouble anybody at all except those who happen to have serious rent and accommodation problems in the City of Bangalore. I understand from the Hon'ble Member who resides in Mysore but who represents Srirangapatna constituency in

the House that in the City of Mysore they have not got any serious problem in regard to house rent and accommodation and even in some of the district headquarters the pressure on the available accommodation has eased somewhat. Therefore, it is probably true that the problem is acute only in the City of Bangalore and the acuteness is bound to vanish as and when Government undertake measures to provide housing accommodation for one or the other section of the population. I should like to know from the Government why it is considered undesirable or unnecessary to include the surviving wife or the surviving sister of a tenant as a person enabled to continue as the tenant of the house as the original tenant is no longer there. I find that in clause 4 the wording to which exception has been taken in the definition of 'house' has not been changed. In the original clause—clause 4 of the Bill which seeks to substitute a whole section for the existing Section 3 of the principal Act, the new Section 3(1) (b) defines what a 'house' is.

“For the purposes of this section—

(i) notwithstanding anything to the contrary contained in clause (4) of Section 2, 'house' includes a building or part of a building used or to be used for residential or non-residential purposes;

(ii) any house newly constructed or reconstructed shall be deemed to have become vacant as soon as it is fit for occupation.”

Later on, in new Section 3, sub-section (2) (a) makes a reference to a landlord being called upon to give intimation in the prescribed form of the vacancy to the Controller. On the occasion when I made some observations on this Bill in this House before it went to the Select Committee, I pointed out firstly, with reference to clause (b) of sub-section (1) of new Section 3, that the new definition of 'house' introduced here namely, that 'house' includes a “building or part of a building used or to be used

for residential or non-residential purposes” is not reasonable. Because the expression ‘to be used for residential or non-residential purposes’ would not indicate anything definite, so far as the intention of the person who constructs the house is concerned. It may be that an intending tenant wants to use the house for a residential or non-residential purpose. Whose intention is to prevail with regard to the use of a particular building may present difficulties to the person who would have to administer the Act, or to the person who may have to seek relief under the Act either as a tenant or as a landlord or an intending landlord or an intending tenant. I find that the Select Committee has not been pleased to take any notice of the difficulty which I raised.

Then, Sir, sub-clause (ii) of clause (b) of sub-section (1) of Section 3 contained in clause 4 of the Bill says:

“any house newly constructed or reconstructed shall be deemed to have become vacant as soon as it is fit for occupation.”

This, Sir, as I pointed out, would not be reasonable and would really land persons who undertake construction of houses in difficulties, because the exact point of time or the exact stage during the construction of a building at which it might be deemed to be fit for occupation would not be the same for all classes of persons. For the person actually constructing a house for his own occupation or use, the house may not be deemed to be fit for occupation until it is complete and all the apartments have been made and the residence is furnished in a manner that would enable him to live there. But for a person who wants to occupy it as a tenant and who may be in a great hurry or who may be put to the necessity of occupying any kind of building because he does not possess any accommodation of his own, a half-finished building may be deemed to be fit for occupation. In those cases, especially when new houses are being constructed, if the structure is deemed to be fit for occupation at a particular stage during the

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construction of the building itself and if the tenant has to be given a preference to occupy the house even before the landlord or the person who has been constructing the house has had a chance of making up his mind as to what he has to do with his building, whether he has to occupy it or not, I do not think that would be a reasonable way of handling the matter.

Then, Sir, with regard to sub-section (2) of Section 3, no change has been made with regard to the furnishing of the intimation in the prescribed form. The particular form in which the intimation has to be furnished ought to be prescribed in the body of the Bill itself. I wish to say that if the form is not furnished, different officers enforcing this Act may think it fit to require intimation in different forms which they may have freedom to prescribe. While it is certainly desirable that intimation should be furnished in a prescribed form, it is equally desirable that the particular form in which that intimation is to be furnished should also be prescribed and there is nothing to prevent a particular form being appended to the Bill in the shape of an appendix, as has been done in many other enactments. For instance, the Municipalities Act prescribes quite a number of forms for collection of rent or for issuing of licence and for various other things.

Then, Sir, with regard to sub-clause (3) of clause 4 of the Bill, which is really sub-section 3 of Section 3, authority is given to the Controller to induct as a tenant in the house, any local authority or institution or any person to which reference is made in the earlier part of the sub-clause. After having taken great trouble to define particular institutions or authorities for whose use the building is to be requisitioned under this Act, that the Government should consider it necessary to retain the alternative 'or any other person' does not seem to be quite satisfactory. I did point out before the Bill was referred to the Select Committee that this point also would deserve their serious consideration. I do not know what opinion prevailed in the Committee with regard to this

point because the report of the Select Committee is silent on that point. All that is said in the report of the Select Committee with regard to clause 4 is :

"We have recast the explanation to the proposed explanation to sub-section 3 (a) in such a manner that a person who has been previously evicted from a house for non-payment of rent should not be deemed to be an unsuitable tenant if he has paid the arrears due and that in the case of persons evicted under Section 8 (2) (vi) only persons evicted for using the house or allowing the house to be used for immoral or illegal purposes should be deemed to be unsuitable tenants. We have added a provision to the proposed Section 3 of the Bill precluding a landlord from having a house allotted to him, when he is already occupying a house which is his own or to the possession of which he is entitled and which is suitable for his requirement.

"We have also added an explanation in Section 3, to provide for cases in which the house is required for the occupation of a beneficiary where such house is held on his behalf by any trustee, executor, administrator, receiver or guardian, to the effect that where a landlord holds a house as a trustee, executor or administrator, the occupation of the landlord shall mean occupation of the beneficiary."

Sir, the amendments made in the Select Committee are certainly very good in themselves but it is a great pity, Sir, that the amendments did not traverse a little further and take notice of the other points that have been specifically raised on the floor of the House when the debate took place on the motion for reference to the Select Committee. It would be found that in the second proviso to the Explanation to the proviso of clause (a) of sub-section (3) of Section 3, a reference again appears to son or daughter, or

father or mother or in the case of a Joint Hindu family his undivided brother.

2 P.M.

As I said, Sir, the introduction of these devices or definitions and the expression 'member of the family' while it certainly avoids the tiresome repetition of the same words occurring in the provisions of the Bill, does not take note of the omission from the definition of the category of these relations of these survivors of the tenant—wife or sister. What objection, I ask, can the Government or the Hon'ble Members of the Select Committee have to the wife of the deceased tenant being enabled to continue as tenant of the House? Or in the case of a tenant who either did not have a wife or was not married and so could not have left a wife and did not happen to have a brother or an undivided brother, and could leave only a sister,—why that sister should not be enabled to continue as tenant of the house? I just do not see why these relations should be precluded and why the definition of the 'member of the family' should be so conservative or rigid. While it goes to the extent of continuing the tenancy in favour of the widow of an undivided brother who has not remarried, why they should be so unkind to the sister or wife, I cannot really understand. I hope that the Hon'ble Law Minister will find some way of making the benefit of these provisions available to those survivors as well.

Then, Sir, with regard to clause (b) of sub-section (3) of Section 3, in the proviso it is stated:

“ Provided that nothing in this clause shall apply to an allotment order in favour of the State Government or the Central Government, or the Government of any other State in India or a local authority.”

What is said in the sub-clause (ii) is that the allottee deposits with the Controller an amount equal to one month's rent of the house to be allotted; why an exception should be made in the case of the State Government

or the Government of any other State in India is not quite clear. Government have generally a reputation for taking their own time for making payment of the bills. That is because the Government has considerable important work probably and that is certainly an anticipated fact. But it does not happen that where a private building is requisitioned and taken on rent either for housing an office or for keeping a godown or a warehouse, payment of rent is made at one's own convenience. What is wrong in making the application of these provisions and clauses to Government as well? And so, a person who happens to let the house to the Government or to an authority of the Government is able to draw upon that one month's rent which has been deposited there and give Government one month's time within which to attend to matters of lesser importance as payment of rent of godowns or buildings. I do not see why it should be necessary to make an exception in the case of the State Government or the Central Government or of any other State in India. In fact, it is really the Government itself which administers this Act; and although in the City of Bangalore and the Civil Station combined, the fixation of fair rent used to be done by a judicial officer till recently, these functions have since been transferred to an executive officer and, therefore, it can be regarded as administration of the Act by the Government with its own exclusive machinery for administration. Therefore, there is hardly any reason to make a further specialised treatment with reference to the Government either of this State or of the Indian Union or the Government of any other State, for instance, the State of Coorg or the State of Madras or the State of Andhra as a matter of fact.

Then, Sir, with reference to clause (b) of sub-section 6 of Section 3 :

“ On receipt of an intimation under clause (a), the Controller shall pay to the landlord out of the amount, if any, deposited by the first allottee under clause (b) of sub-section (3), the rent of the

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house for the period from the date of intimation of the vacancy by the landlord till the date specified in the allotment order as the date for delivery of possession of the house, and the balance, if any, shall be forfeited to the State Government."

No case was made out, Sir, as to why this balance should be forfeited to the State Government, and why it should not be refunded to the persons who made the deposits and who were prevented from taking advantage of the order of allotment and occupying the house. He forfeits the amount deposited there and the landlord would certainly be getting rent for the premises from the date from which some tenant who gets the allotment order in his favour occupies the house. And therefore this tenant not only loses the accommodation, may be owing to his own fault, he also loses the accommodation that was secured to him by the order of allotment, but also has to take the trouble of finding accommodation himself and also even loses the sympathies of the House Rent and Accommodation Control authorities. In addition to that, the balance remaining out of the deposit will be forfeited to the State Government. This is something that I cannot understand. Government, I am sure, Sir, can be sympathetic in a matter of this kind and omit that sort of clause in sub-section (c) and enable the allottees to obtain a refund of the balance, if any, remaining after the landlord has been paid.

Then, Sir, in sub-section 8 (a) of Section 3, it is said that—

"the Controller or any prescribed officer may summarily dispossess any landlord who fails to deliver to the allottee concerned possession of any house in respect of which such allottee is deemed to be the tenant by virtue of this section....."

SRI A. G. RAMACHANDRA RAO.—
On which page is it?

SRI M. V. RAMA RAO.—Page 7.
Sub-section 8 of section 3 contained in

clause 4, there is some confusion with regard to references. We are substituting new section 3 in place of the original section 3 in the Act. The new section to be substituted is put down as clause 4. So whenever I make a submission, it is to be understood as sub-section 8 of section 3, as far as I am speaking on this particular clause.

"The Controller or any prescribed officer may summarily dispossess any landlord who fails to deliver to the allottee concerned possession of any house in respect of which such allottee is deemed to be the tenant by virtue of this section, and take possession of the house including any portion thereof in the occupation of any person and deliver possession thereof to the allottee concerned; and thereupon notwithstanding anything contained in sub-section (4), the allottee concerned shall be deemed to be the tenant of the landlord with effect from the date of delivery of possession of the house to such allottee."

Sir, it was with particular reference to this authority, this power to take possession of the house, summarily dispossess any landlord and to take possession of the house, that a considerable portion of my speech, during the debate on this Bill before it went to the Select Committee, was devoted. I would urge upon the Government that it is undesirable in the interests of proper administration, for which the Government would be responsible, to confer powers of summary dispossession and taking possession of the house including any portion thereof for the occupation of any person and deliver possession thereof to the allottee concerned. We have to remember, Sir, that the Controller or any prescribed officer will not be a judicial officer and may not be accustomed to deal with matters in the manner in which judicial officers are accustomed to deal with matters coming up before them for disposal, and therefore it would not be safe or prudent to entrust the executive authority, which, in these particular

cases, may be no higher than a mere Assistant Commissioner designated as House Rent Controller and doing duty or deputising for a Deputy Commissioner in District Headquarters or an Assistant Commissioner of a particular sub-division at the Headquarters, with powers to summarily dispossess any landlord from his house and take possession of the house including any portion thereof in occupation of any person, and deliver possession thereof to the allottee concerned. I must say, Sir, with considerable hesitation that this part of the Bill, sub-section 8 of section 3, really deserved a little more consideration at the hands of the Select Committee. I am trying to choose my words very carefully so as not to make it appear that I am either critical of the actual work done by the Select Committee or of the spirit in which they went to their task. If I am choosing words with that care, it is really to impress upon the House that there must have been some reason why the Select Committee could not apply their minds to this particular matter although they were raised on the floor of this House during the debate. I thought, even if the Select Committee were of the opinion that there was no reason for the apprehensions raised with regard to the possible operation of these clauses, they would certainly have said so in their report. The fact that no manner of reference is made to any of the other sub-sections contained in clause 4 makes me think that either the Select Committee could not remember the various points that had been raised during the debate or the transcript of speeches made which contained those points were probably not ready and the Hon'ble Members of the Select Committee were, therefore, deprived of the material which they could have employed to acquaint themselves with the specific points that were raised during the debate when the Bill was referred to the Select Committee. I must say, Sir, that Government will do well to devote a little more consideration to sub-section 8 of section 3 and to confer powers upon the Controller or any prescribed officer which are a little less wide in their scope.

Then, Sir, sub-clause (d) of sub-section 8 retains the original wording that was contained in the Bill;

"No appeal shall lie against any action of the Controller or the prescribed officer under this sub-section."

This is very far from being reasonable. On the one hand we employ executive agency for administering the Act for depriving persons of the possession of houses or for enabling persons to come into possession of residential houses. On the other hand we invest them with powers of summary dispossession of buildings, summary dispossession of the landlord and give possession of the premises to the allottee. We go further and say that the order made or action taken by the Controller or the prescribed officer under this sub-clause shall be final and no appeal whatever shall lie to any authority whatsoever. This, I should say, is claiming too much even for a good Government. I do not think that any Government would claim that its officers or that its executive agencies would be so infallible that no appeal shall lie, against any order made by them or any action taken by them, to any tribunal. Instead of effecting an improvement in the existing clause, I should think that the retention of clause (d) of sub-section 8 would make matters not quite so good as now. This, Sir, I think, is a matter which should engage the serious consideration of the Government. Why should not an appeal lie against the action of the Controller or the prescribed officer under sub-section 8 of Section 3, is a question which I should like to address to my friend the Hon'ble Law Minister. Why not an appeal be provided for and what is the loss by it? The Controller would certainly have taken his action in his executive capacity either in dispossessing the landlord or putting in the possession of a certain person who may be deemed to be an allottee concerned in the particular case. Now, is it to be assumed that the legality of the entire proceedings—dispossession of the house and the inducting into possession of the particular allottee—is 100 per cent assured and that no appeal whatever need be provided? I should think that the

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actual effect of sub-clause (d) of sub-section (8) will be to compel people to go to High Court with petitions for finding out the legality of the executive action taken in all cases coming under this provision of law. If the enactment makes a regular provision for preferring an appeal or a revision against the executive action that might be taken under this clause, then persons affected adversely by any such executive action would have the option to go, would have the option to resort to the remedy prescribed and have a claim for being relieved in another manner such as by way of presenting a petition to the High Court for determining the legality of the order or the legality of the action taken by the House Rent Controller or the prescribed officer. In the course of administration of an Act like this, taking possession of a house from one person and giving possession of it to somebody else, various disputes of a civil nature are bound arise and to put a link on all such disputation would not be reasonable. And it is not clear as to why it is considered necessary that no appeal should lie, once the executive action has been taken and possession of the house has been obtained from the landlord who does not conform to the direction given to him and possession of the premises has been handed over to the allottee concerned. What do the Government gain by depriving the landlord who might consider himself aggrieved by the action taken by the Controller or the prescribed officer, of an opportunity to from prefer an appeal to the higher authority? What do Government gain by denying the person who may be aggrieved in a particular circumstance by executive action taken against him and forcible taking possession of a building from him or somebody else who may be occupying it and handing it over to the allottee who may have obtained an order of allotment of the premises under various pretexts? Government are aware that in the day-to-day administration of the House Rent and Accommodation Control Act in important places, all kinds of difficulties arise,

all kinds of false and vexatious claims are made and all claims of cantankerous and troublesome claims are raised in order to make matters difficult either for the landlord or for the tenant. It cannot be a one way traffic at all. It does happen that landlords will find a great deal to say against tenants and people who find it necessary to be tenants in a big city like Bangalore,—it is not as if that anybody can build a house in Bangalore,—people compelled to live in a rented house in Bangalore, find it necessary to have relief and to get relief under this Act. Therefore, while it is no doubt desirable that there should be promptitude in executing orders in favour of the allottee concerned, there is no reason at all why the person actually deprived of the possession of the house should be denied even the appeal to another authority. I should be very highly interested to know from my friend the Hon'ble the Law Minister as to why Government think that the House Rent Controller or the other prescribed officer can never make a mistake. If he does a mistake, what is the remedy provided? If no remedy, whatsoever, is provided, that means, people would probably feel that a remedy can be obtained by preferring a petition to the High Court such as is done in various other matters.

2-30 P.M.

That I consider would not be desirable too. It would be much better and much more reasonable to provide a remedy by way of appeal in the Bill itself, against an executive act of that kind. We have to remember that this clause 3 is being wholly redrafted and being substituted for the original section 3 of the Act. Therefore, it would be desirable that we place reasonable restrictions on the exercise of executive authority and provide reasonable remedy by way of appeal against all excesses, all abuses, of executive authority vested in subordinate agencies. Therefore, I suggest that Government might examine some of these points and devise suitable remedies to make the amended Act more beneficial in actual working.

***Sri A. G. RAMACHANDRA RAO.**—Sir, a few remarks have been made on the report of the Select Committee. The Hon'ble Sri P. R. Ramaiya pointed out that repairs to buildings and the incidence to whom it should be transferred has not been made clear and that a Bombay amendment could be easily imported into this Act. I am not aware of this amendment and I do not know whether that amendment has been made either to the Rent Control Act or to the general law regulating leases. I feel that such an amendment would be more appropriate for consideration at the time of deliberating over the general clauses regulating the relationship between lessees and landlords and in fact that point of view is new and was not before the Rent Control Act.

One or two points have been made by Hon'ble Sri Palaniyappan regarding the allotment and the priorities that should regulate the allotment of houses. That has been very deeply considered by the Select Committee and the present Order has been evolved.

Thirdly, Hon'ble Sri Mascarenhas wanted a clearer definition. In fact, the Select Committee spent a good deal of time over the definition and a workable proposition has been imported in the form in which we are finding just now.

But the largest contribution both to-day as well as on the previous occasion was made by Hon'ble Sri Rama Rao. The House will probably remember that with all due deference to the Hon'ble Member, he was invited to serve on the Select Committee. I begged of him to be there so that the Select Committee might have the benefit of his knowledge as well as his experience. He declined...

Sri J. MOHAMED IMAM (Jagalur).—Why?

Sri A. G. RAMACHANDRA RAO.—I do not know. That is for him to answer. However, all the same, the Select Committee took into consideration all the points that were urged at the time and they have come to the conclusion which is before this House. I am very sorry that he makes some reflections on the Select Committee

as not having had given due consideration to the points raised by him and doubting whether the transcripts and the speeches were made use of or not. I may assure the Hon'ble Member that the Select Committee did consider all the aspects put forward by him and in fact, the transcripts and the papers were also ready; on several occasions they were looked into. Therefore he need not entertain any doubt as to whether the Select Committee considered the view-points put forward by him, or not. Further, the Select Committee not only had the benefit of the expressions made in this House, but also looked into the contemporary law in other States and also the Committee had the benefit of the wide experience of many members of the legal profession who participated in the Committee and also the remarks that were sent by several members of the Judiciary. With this background, the law was considered and the Select Committee has made its report.

One or two points require consideration. Regarding the definition, as I said, we can imagine any number of persons connected with a family and go on defining; yet the definition would be incomplete. We have had to draw a line and the line which is now drawn has been done with reference to practicality and the difficulties that may arise.....

Sri M. V. RAMA RAO.—What is the practicality in omitting 'wife'?

Sri A. G. RAMACHANDRA RAO.—No difficulties have been experienced. To always feel that the husband would be quarrelling with wife and children would require more imagination than it is otherwise.

A good deal has been made regarding 'No appeal shall lie'. I may point out at once that that relief has been denied only under that particular section. It is confined to a defaulter who has not obeyed the direction made by the Controller and I may say that in an emergency legislation of this nature which is also for a temporary period of three years such kind of restrictions is necessary and is useful. That is all I wish to submit.

Sri M. V. RAMA RAO.—Can anybody deny appeal and say 'no'? If the Government do not want to answer all the points raised by me, I cannot compel them.

Sri A. G. RAMACHANDRA RAO.—I have answered all the relevant points.

Mr. SPEAKER.—The question is :

“That the Mysore House Rent and Accommodation Control (Amendment) Bill, 1953, as reported by the Select Committee, be taken into consideration.”

The motion was adopted.

Mr. SPEAKER.—Clauses. Clauses 2 to 16.

The question is :

“That Clauses 2 to 16 both inclusive, stand part of the Bill.”

The motion was adopted.

Clauses 2 to 16, both inclusive, were added to the Bill.

Mr. SPEAKER.—Clause 1. The question is :

“That Clause 1 stand part of the Bill.”

The motion was adopted.

Clause 1 was added to the Bill.

Mr. SPEAKER.—Title and Preamble. The question is :

“That the Title and the Preamble stand part of the Bill.”

The motion was adopted.

The Title and the Preamble were added to the Bill.

Motion to pass.

Sri A. G. RAMACHANDRA RAO.—I beg to move :

“That the Mysore House Rent and Accommodation Control (Amendment) Bill, 1953, as reported by the Select Committee, be passed.”

Mr. SPEAKER.—The question is :

“That the Mysore House Rent and Accommodation Control (Amendment) Bill, 1953, as

reported by the Select Committee, be passed.

The motion was adopted.

Mr. SPEAKER.—The next Bill. The Hon'ble the Revenue Minister.

Sri A. G. RAMACHANDRA RAO.—The Hon'ble Revenue Minister is coming in a few minutes. I beg permission to move the Bill on his behalf.

MYSORE (PERSONAL AND MISCELLANEOUS) INAMS ABOLITION BILL, 1953.

Motion to consider.

Sri A. G. RAMACHANDRA RAO (Minister for Law and Education).—Sir, I beg to move :

“That the Mysore (Personal and Miscellaneous) Inams Abolition Bill, 1953, as reported by the Joint Select Committee, be taken into consideration.”

Mr. SPEAKER.—The House will now rise for lunch and meet at 3-15 P.M.

The House rose for Lunch at Forty-five Minutes past Two of the Clock and re-assembled at Twenty Minutes past Three of the Clock.

[Mr. SPEAKER in the Chair.]

*Sri Kadidal MANJAPPA (Minister for Revenue and Public Works).—Sir, it may be recalled that the Select Committee which considered this Bill is a Joint Select Committee. The Joint Select Committee met fourteen times. It heard the representatives of the inamdars and also of the tenants and it has considered the clauses of the Bill in great detail. After taking into consideration all the views and all aspects, the majority of the members felt that the report was very reasonable in the circumstances.

The Joint Select Committee have made some changes in the Bill. In the original Bill there was provision for